

RESOLUTION NO.

19-37

TITLE: A RESOLUTION APPROVING THE USE BY SPECIAL REVIEW APPLICATION FOR AN ACCESSORY DWELLING UNIT AT 329 BIRCH STREET – CASE NO. 19-19 USR

WHEREAS, Applicant Robert Hollister is requesting the approval of an accessory dwelling unit (an "ADU") proposed to be located in an existing, detached accessory structure at 329 Birch Street, within the R-1 zone district (the "Application");

WHEREAS, at a Planning Commission meeting on October 9, 2019, the Planning Commission reviewed the Application and recommended approval of the Application with conditions; and

WHEREAS, pursuant to the Hudson Municipal Code (the "Code"), use of an ADU within the R-1 zone district must also be reviewed and approved by Town Council to ensure compliance with the Code's use by special review ("USR") provisions as well as the Code's ADU provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HUDSON, COLORADO, AS FOLLOWS:

Section 1. The Town Council makes the following findings as required by Section 16-63 of the Code regarding the proposed use by special review of the existing structure as an ADU:

- a. The proposed use will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- b. The proposed use will be consistent with the town comprehensive plan, this article or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the town;
- c. There is a proven a community need for the proposed use at the proposed location given existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the town and also within the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the town or within the immediate area of the proposed use; and the area for which the use is proposed is not better suited for or likely to be needed for uses which are permitted as a matter of right within that district, given policies or provisions of the comprehensive plan, this chapter or other plans or programs of the town.
- d. The proposed use will not result in an over-intensive use of land and shall meet the dimensional standards of this zoned district unless otherwise approved by the town council;

- e. The proposed use will will not have a material adverse effect on community capital improvement programs;
- f. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities and services of the town or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed locations, the applicant shall, as part of the application and as a condition to approval of the USR, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the comprehensive plan, this chapter and other plans, programs, maps and ordinances adopted by the town to guide its growth and development. The approval of the USR shall be predicated upon such improvements, facilities, utilities and services being provided and guaranteed by the applicant;
- g. The proposed use will not result in undue traffic congestion or traffic hazards;
- h. The proposed use will not cause significant air, water or noise pollution;
- i. The proposed use will be adequately landscaped, buffered and screened; and
- j. The proposed use will not otherwise be detrimental to the health, safety or welfare of adjacent properties, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, either as they presently exist or as they may in the future be developed as a result of the implementation of provisions and policies of the comprehensive plan, this chapter or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice, by the town or other governmental agency having jurisdiction to guide growth and development of the community.

Section 2. The Town Council makes the following findings as required by Section 16-64.5 of the Code regarding the proposed use of the existing structure as an ADU:

- a. No ADU currently exists on the property, and only one (1) ADU is proposed by the Application.
- b. The primary residence on the property is constructed as a conventional, site-built housing as defined by the Code.
- c. The proposed ADU is a conventional, site-built unit as defined by the Code.
- d. The proposed ADU is no smaller than 400 square feet, no greater than 1,000 square feet, and is smaller in size and clearly subordinate to the primary residence.
- e. The proposed ADU is limited to two (2) bedrooms.

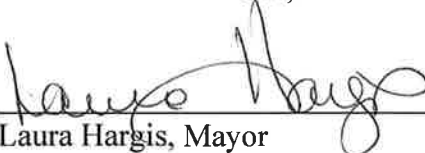
- f. The proposed ADU and the primary residence meet the setback requirements, lot coverage, and building height requirements of the R-1 zone district.
- g. The proposed ADU is the conversion of an existing garage structure and it complies with the setback standards for the primary structure as prescribed in R-1 zone district, applicable building codes, and all other standards set forth in the Code.
- h. The conversion of a garage to the proposed ADU does not result in the elimination of one legal on-site parking space to serve the primary residence. The required parking spaces for the primary residence will be replaced on-site.
- i. There is inadequate proof that the proposed ADU complies with the Town's adopted building code and all model codes for detached dwellings.
- j. The proposed ADU will be served with municipal water, municipal sanitary sewer, and electric service and is connected to the water, wastewater and electric utilities of the primary residence.
- k. Either the proposed ADU or the primary residence shall be permanently occupied by the owner of the lot, which shall include title holders and contract purchasers. If at any time the owner occupies neither the primary residence nor the proposed ADU, the ADU shall not be used or occupied as a dwelling unit and shall not be rented.
1. When an USR is required for an ADU, an application shall be filed with the town clerk in accordance with the USR process set forth in Section 16-63 of this Code. When applying, in addition to complying with Section 16-63(d)(2), the following additional material is required:

Section 3. The Town Council hereby approves the Application with the following conditions:

- a. The Application is approved provided issuance of a Town building permit and subsequent inspections confirm compliance with the Town's adopted building code standards, applicable to residential use. There shall be no residential occupancy of the ADU until a certificate of occupancy for residential use has been issued.

INTRODUCED, READ and PASSED this 16 day of Oct, 2019.

TOWN OF HUDSON, COLORADO



Laura Hargis, Mayor

(SEAL)

ATTEST:



Charity Campfield
Charity Campfield, Town Clerk